

REMARKS

Claims 1-16 are pending. Applicants elect with traverse Group I (i.e., claims 1, 4-7 and 11-16) for examination on the merits. It appears that the Examiner has inadvertently overlooked the objective in claim 3 of improving fertility in women. Clarification is requested in the next Office Action as to whether the latter claim belongs to Group II. Applicants reserve the right to prosecute nonelected subject matter in a further patent application.

The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. Support for administration of PTX3 or a functional derivative thereof to a patient for treatment of disease may be found at page 7 of the specification. New claims 11-12 are subsets of the diseases listed in claim 7.

Notwithstanding the above election, reconsideration of the restriction requirement is requested because examination of all pending claims would not constitute a serious burden. Although the inventions identified by the Examiner are separately patentable, both the need for compact prosecution and the public interest would be served by examination of all claims in a single application. In particular, the claims of both Groups I and II should be examined in the same application. Thus, claims 2-3 and 8-10 should not be withdrawn from consideration.

Further, the claims of Group I are generic for the claims of Group II. If the elected claims are patentable, then also administering TSG-6 for treatment of the same bone or cartilage diseases would also be patentable.

WO 02/36151 was cited in the Office Action for disclosing the use of PTX3 for the treatment of autoimmune diseases. Applicants note that this document has been cited on page 2 of their specification as relevant prior art. In particular, this document has a list of autoimmune diseases which includes arthritis, but it does not disclose the bone or cartilage diseases of the presently claimed invention (see claims 7 and 11-12).

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if additional information is required.

Respectfully submitted,

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